

Exhibit A

Exhibit A: Deposition Testimony in Support of Plaintiff’s Opposition to Defendants’ Motion to Decertify the FLSA Collective Action.

Table of Contents

Summary Charts	2
All SMs Work 50 Hours Per Week or More	2
Majority of SM’s Time Spent on Non-Exempt, Non-Managerial Duties.....	4
District Manager and Rite Aid Corporate Control and Manage Stores (not SMs)	5
SM’s Share of Certain “Managerial” Duties with Hourly Employees	7
SM’s Inability to Supervise While Engaging in Non-Managerial Tasks	8
SM’s Inability to Decide What to Order or Sell in the Stores	9
SM’s Inability to Set or Control the Store’s Labor Budget	10
SM’s Inability to Control Employee Scheduling	12
SM’s Inability to Adequately Hire or Promote Employees.....	13
SM’s Inability to Adequately Terminate Employees	14
Supporting Testimony	17
All SMs Work 50 Hours Per Week or More	17
Majority of SM’s Time Spent on Non-Exempt, Non-Managerial Duties	23
District Manager and Rite Aid Corporate Control and Manage Stores (not SMs)	28
Corporate Communication including Emails and SYSMs	34
SMs Share of Certain “Managerial” Duties with Hourly Employees.....	36
SM’s Inability to Supervise While Engaging in Non-Managerial Tasks.....	37
SM’s Inability to Decide What to Order or Sell in the Stores.....	42
SM’s Inability to Set or Control the Store’s Labor Budget	45
SM’s Inability to Control Employee Scheduling	47
SM’s Inability to Adequately Hire or Promote Employees	49
SM’s Inability to Terminate Employees	54

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Summary Charts¹

All SMs Work 50 Hours Per Week or More

Store Manager	<u>Whether SM Worked Over 50 Hours Per Week?</u>	Deposition Support	Locations Worked in as RA SM
Astleford, Thomas	YES	197:11-4, 199:16-24	Pennsylvania
Bogash, Brian	YES	266:10-13	Maryland
Bolduc, Gerard	YES	313:6-9, 314:1-6	Maine
Bourgeois, Philip	YES	211:2-6, 211:15-25	Mississippi Louisiana
Brown, Richard	YES	192:19-193:14	Louisiana
Brown, Vincent	YES	167:23-25, 167:2-4	Virginia
Dayton, Mark	YES	333:5-19, 333:20-335:22	California
Del Angel, Martha	YES	252: 17-21, 265:24-266:4	California
Duran, Peter	YES	192:25, 321:6-7, 363:21-23	Colorado Georgia
Ensor, Cheryl	YES	105:23-106:2, 107:9-11, 136:17-19, 229:14-20	Maryland
Gerber, Brad	YES	272:20-22, 274:10-275:1, 275:8-10, 236:8-10, 314:11-14	New York North Carolina
Hulsey, Lucille	YES	86:24-87:1, 181:14-15	Alabama
King, Gary	YES	212:13-14	South Carolina
Kitchen, Brenda	YES	351:13-15	Ohio
Lembezeder, James	YES	135: 12-13	Arizona California
Lemmings, Rita	YES	71:8-16	Tennessee
Lenart, Henry	YES	333:1-4	Massachusetts
Malone,	YES	248:16-249:1, 249:2-5,	Michigan

¹ The corresponding supporting deposition testimony is included in the detailed charts below as indicated by the page number after each citation.

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Kimberlyn		249:25-250:5	
Marston , Herbert	YES	199:19-21, 199:22-24, 199:25-200:2	California
Martin, Shiann	YES	244:3-12	Michigan
McCarthy, Sandra	YES	21:11-18, 22:20-23, 23:12-24:1, 24:10-12	Oregon
McGilivray, Anthony	YES	285:22-25, 286:2-287:8, 287:19-23	California
O'Brien, Christopher	YES	188: 8-9	Ohio Mississippi
Orlando, Michael	YES	11:10-11	New Jersey
Paul, Christopher	YES	138:13-16, 216:22-217:10	West Virginia
Perez, Arthur	YES	83:10-14	Connecticut
Pletka, Thomas	YES	265:17-266:7, 329:13-15	West Virginia
Riaz, Omar	YES	209:24-210:12, 210:13- 211:2, 212:2-10, 212:11- 213:7	Washington D.C. Maryland
Riley, Cinda	YES	263:1-9, 263:15-264:3	Washington State
Ruzat, Kenneth	YES	250:5-7, 236:4-7	Delaware Pennsylvania
Saab, Mohamed	YES	145:21-25, 146:7-8	New York
Santos, Jose	YES	151: 15-22, 152: 4-20, 155: 12-14, 156: 5-7	New York
Simons, Michael	YES	75:11-15, 82:14-22	New York
Smith, Richard	YES	59:25, 60:1-2	Maine
Solis, Rosita	YES	226:12-22, 226:23-25, 227:1-4	New Jersey
Spencer, Stephen	YES	8:22-25	New York
Tardo, Ron	YES	80:16-23, 81:3-8, 81:9-12, 74:7-12, 74:15-18	Louisiana
Tremblay, Laurent	YES	31:21-32:16, 33:16-22, 35:22-36:13, 43:6-13	Massachusetts
Whindom, Russell	YES	85:9-16, 85:23-86:2, 86:3- 9	Washington State
Wilson, Kyle	YES	265:11-13, 265:25-266:6,	Washington State

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

		266:10-12, 266:13-17, 266:18-22	
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Majority of SM's Time Spent on Non-Exempt, Non-Managerial Duties

Store Manager	<u>Percentage of Time Spent on Non-Exempt, Non-Managerial Duties</u>	Deposition Support	Locations Worked in as RA SM
Bogash, Brian	90-95%	276:9-14, 293:4-22	Maryland
Dayton, Mark	80%-85%	351:4-11, 351:17-18	California
Del Angel, Martha	Minimum 2/3 hours, max 8/10 hours	264:21-265:3	California
Dixon, Vicky	85%	343:14-17	California
Echeverria, Elma	80%	300:21-301:2, 301:22-23	California
Gauger, Nicholas	50%-70%	350:19-24	California
Handshoe, Jared	70%	314:5-11, 322:8-14	Kentucky
Hulsey, Lucille	More than 50%	256:18-21	Alabama
King, Gary	5 to 7 hours per day	212: 13-15, 330:18-331:7	South Carolina
Kitchen, Brenda	80%-85%	347:18-21	Ohio
Lembezeder, James	90%	290:23-291:6	Arizona California
Lenart, Henry	60 %to 70% per day	347: 3-19, 348:8-12	Massachusetts
Malone, Kimberlyn	50%-60%	284:18-24	Michigan
Marston, Herbert	50%-70%	221:1-21	California
Martin, Shiann	70%	264:2-17	Michigan
McCarthy, Sandra	70%	126:17-20	Oregon
McGilivray, Anthony	50%-60% plus	314:1-6, 315:1-14	California
Orlando, Michael	75%	284:24-25, 285:1-2, 285:9-10	New Jersey
Palumbo, Philip	80%-85%	304:17-21	Pennsylvania

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

			Delaware
Paul, Christopher	50%-60%	216:22- 217:10	West Virginia
Perez, Arthur	"Pretty much all day"	212:25	Connecticut
Pletka, Thomas	50%-60%	320:10-15	West Virginia
Riley, Cinda	More than half a day	303:6-18	Washington State
Saab, Mohamed	Most of the time	306: 19-22	New York
Simons, Michael	Most of the times	95:16-19, 210:15-24	New York
Spencer, Stephen	50% to 75%	196:5-10	New York
Tardo, Ron	75%	270: 13-20, 271: 4-15, 268: 17-25	Louisiana
Tremblay, Laurent	80%	175:21-176:18	Massachusetts
Whindom, Russell	65%-70%	219:23-220:2	Washington State
Wilson, Kyle	More than 50%	279:16-20	Washington State

District Manager and Rite Aid Corporate Control and Manage Stores (not SMs)

Store Manager	<u>Whether DMs and Rite Aid Corporate Control and Manage the Individual Stores Stripping SMs of Authority?</u>	Deposition Support	Locations Worked in as RA SM
Bogash, Brian	YES	71:20-23	Maryland
Bourgeois, Philip	YES	52:3-8, 55:3-5, 72:2-9, 364:8-12	Mississippi Louisiana
Brown, Vincent	YES	350:21-351:2, 351:7-9, 66:1-7, 135:4-6, 165:9-13	Virginia
Ensor, Cheryl	YES	56:15-16	Maryland
Duran, Peter	YES	103:6-10, 103:13-14, 103:20-21	Delaware Pennsylvania
Gauger, Nicholas	YES	55:15-24	California
Gerber, Brad	YES	46:21-23, 89:20-23,	New York

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

		95:5-7, 310:1-8	North Carolina
Goodloe, Kay	YES	157:9-22, 173:24-174:4	North Carolina
Handshoe, Jared	YES	27:4-17	Kentucky
Hulsey, Lucille	YES	252: 3-16, 274: 16-25	Alabama
King, Gary	YES	35: 12-13, 172: 18-25, 141: 4-11	South Carolina
Kitchen, Brenda	YES	122: 13-20, 130:2-8	Ohio
Lembezeder, James	YES	44:25-45:14, 50:5-13	Arizona California
Lemmings, Rita	YES	37:18-19, 38:3-15, 88:7- 11	Tennessee
Lenart, Henry	YES	310: 1-8, 353: 6-12	Massachusetts
Malone, Kimberlyn	YES	35:7-12, 96:1-5	Michigan
Martin, Shiann	YES	106:11-16, 262:8-14	Michigan
McCarthy, Sandra	YES	38:12-15, 90:6-14	Oregon
O'Brien, Christopher	YES	61: 8-16, 234: 18-25, 235:1, 149: 10-21, 233: 22-25, 234: 1-4	Ohio Mississippi
Perez, Arthur	YES	18:4-17, 135:15-136:6	Connecticut
Pletka, Thomas	YES	340:12-14	West Virginia
Riaz, Omar	YES	116:15-117:2, 138:25- 139:10, 285:9-286:15	Washington D.C. Maryland
Riley, Cinda	YES	86:7-22, 87:2-5	Washington State
Ruzat, Kenneth	YES	294:5-21	Delaware Pennsylvania
Saab, Mohamed	YES	43:19-22, 52:1-4, 307: 18-22	New York
Santos, Jose	YES	249: 23-25, 250:1-12	New York
Solis, Rosita	YES	229:1-13, 231:10-16, 234:14-23	New Jersey
Spencer, Stephen	YES	117: 16-25, 76: 16-22, 75: 11-16, 75: 22-24, 162: 6-8, 174:18-175:7	New York

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Tremblay, Laurent	YES	177:4-14	Massachusetts
Whindom, Russell	YES	103:24-104:10, 213:18-214:4, 109:24-110:2, 110:4-20	Washington State

SMs Sharing of Certain "Managerial" Duties with Hourly Employees

Store Manager	<u>Whether SMs Share Certain "Managerial" Duties With Hourly Employees?</u>	Deposition Support	Locations Worked in as RA SM
Ensor, Cheryl	YES	262:21-22	Maryland
Gary, King	YES	214:11-17	South Carolina
Lembezeder, John	YES	119:11-16	Arizona California
Malone, Kimberlyn	YES	197:18-198:2, 226:2-11	Michigan
McCarthy, Sandra	YES	47:13-19	Oregon
O'Brien, Christopher	YES	263:25, 264: 1-2	Ohio Mississippi
Palumbo, Phil	YES	305:22-25, 306:1-3	Pennsylvania Delaware
Riaz, Omar	YES	310:9-18, 311:9-17	Washington D.C. Maryland
Riley, Cinda	YES	17:14-19, 202:24-203:5, 225:16-22, 275:2-10	Washington State
Rosita, Solis	YES	17:14-19	New Jersey
Saab, Mohamed	YES	306: 19-22	New York
Santos, Jose	YES	94:18-21	New York
Smith, Richard	YES	42:9-23	Maine
Tremblay, Laurent	YES	180:11-181:20	Massachusetts

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Inability to Supervise While Engaging in Non-Managerial Tasks

Store Manager	<u>Whether SMs Could "Supervise" Employees While Engaging in Non- Managerial Tasks?</u>	Deposition Support	Locations Worked in as RA SM
Brown, Vincent	NO	342:15-25, 343:21-344:4	Virginia
Dayton , Mark	NO	354:14-355:5	California
Del Angel, Martha	NO	271:8-17	California
Dixon, Vicky	NO	344:16-22	California
Duran, Peter	NO	375:11-19	Colorado Georgia
Ensor, Cheryl	NO	24:21-25:20, 80:11-25, 144:7-16	Maryland
Gerber, Brad	NO	228:6-8; 321:22-322:1	New York North Carolina
Goodloe, Kay	NO	113:3-8	North Carolina
Hulsey, Lucille	NO	250:1-19	Alabama
King, Gary	NO	212:16-25, 213:1-16	South Carolina
Lemmings, Rita	NO	228:1-2, 228:23-25	Tennessee
Lenart, Henry	NO	348:17-349:1	Massachusetts
Malone, Kimberlyn	NO	289:8-12	Michigan
McGillivray, Anthony	NO	317:18-22	California
Orlando, Michael	NO	286: 11-20	New Jersey
Paul, Christopher	NO	219:1-6	West Virginia
Pletka, Thomas	NO	331:23-332:4	West Virginia
Ruzat, Kenneth	NO	289:3-11	Delaware Pennsylvania
Saab, Mohamed	NO	307: 18-22	New York

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Santos, Jose	NO	244: 19-25, 245: 1-6, 245: 7-25, 247:22- 248:9	New York
Simons, Michael	NO	193:23-194:10, 194:14- 195:3 , 195:7-14, 195:18-196:5	New York
Spencer, Stephen	NO	111:4-14	New York
Tardo, Ron	NO	272: 11-24	Louisiana
Wilson, Kyle	NO	281:16-21, 282: 11-22	Washington State

Inability to Decide What to Order or Sell in the Stores

Store Manager	<u>Whether SMs Could Decide Which Products to Order and Sell in the Stores?</u>	Deposition Support	Locations Worked in as RA SM
Astleford, Thomas	NO	193:9-24	Pennsylvania
Bolduc, Gerald	NO	44:1-9, 44:10-25, 215:24-217:14, 220:20- 221:2	Maine
Bourgeois, Philip	NO	27: 11-12, 28: 11-14 , 30: 14-18, 168: 4-14, 262: 19-22, 263 : 10- 11, 263: 20-21	Mississippi Louisiana
Brown, Vincent	NO	65: 18-19, 207:1-2, 255:3-12, 256:2-3	Virginia
Dayton, Mark	NO	131:8-19, 359:6-15	California
Del Angel, Martha	NO	62:2-8	Oregon
Duran, Peter	NO	108:11-13, 109:19-20, 192: 20-22, 194: 20-25, 198:6-10, 200: 12-14	Colorado Georgia
Gauger, Nicolas	NO	93:4-14	California
Gerber, Brad	NO	255:12-20, 277:24- 278:2, 302:8-11, 312:16-18	New York North Carolina

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

King, Gary	NO	155:20-25, 159:2-15, 173:8-174:4, 214:20-23	South Carolina
Kitchen, Brenda	NO	247:16-24	Ohio
Lemmings, Rita	NO	208:25-209:11	Tennessee
Lenart, Henry	NO	354: 2-10	Massachusetts
McCarthy, Sandra	NO	68:2-12	Oregon
McGillivray, Anthony	NO	322:14-323:1	California
Ruzat, Kenneth	NO	121:21-123:9	Delaware Pennsylvania
Saab, Mohamed	NO	28:21-29:2	New York
Santos, Jose	NO	213: 6-8, 95: 181:7- 25, 96: 1-9	New York
Smith , Richard	NO	80:10-20	Maine
Solis, Rosita	NO	190:21-25, 191:7-13, 192:1-6, 230:8-10, 230:21-231:1	New Jersey
Spencer, Stephen	NO	77: 7-12, 77: 17-20	New York
Whindom, Russell	NO	110:4-12	Washington State

SM's Inability to Set or Control the Store's Labor Budget

Store Manager	Whether SM's had an input on the store's labor budget?	Deposition Support	Locations Worked in as RA SM
Astleford, Thomas	NO	228:6-8	Pennsylvania
Bourgeois, Philip	NO	57:5-17	Mississippi Louisiana
Brown, Vincent	NO	349:3-15	Virginia
Duran, Peter	NO	81: 11-16, 280: 5-6	Colorado Georgia
Hulsey, Lucille	NO	262:18-21	Alabama

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Lemmings, Rita	NO	68:10-15	Tennessee
Lenart, Henry	NO	351:25-352:2, 352:24-25, 354:2-10	Massachusetts
Marston, Herbert	NO	225:14-22	California
McCarthy, Sandra	NO	35:24-25, 85:4-11, 148:23-149:4	Oregon
McGillivray, Anthony	NO	320: 14-19	California
Orlando, Michael	NO	289:9-11	New Jersey
Perez, Arthur	NO	83:14-25	Connecticut
Pletka, Thomas	NO	339:12-14	West Virginia
Riley, Cinda	NO	90:14-16, 132:6-11, 305:20-23	Washington State
Ruzat, Kenneth	NO	144:12-17, 292:8-292:13, 292:14-21	Delaware Pennsylvania
Saab, Mohamed	NO	81:9-14	New York
Santos, Jose	NO	213: 9-11, 215:1-4, 255:20-25	New York
Simons, Michael	NO	198:13-16	New York
Solis, Rosita	NO	79:3-7, 85:4-7, 222:18-23, 231:17-21	New Jersey
Tremblay, Laurent	NO	90:16-91:16, 180:3-10	Massachusetts
Whindom, Russell	NO	144:21-22 221:23-222:8	Washington State

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Inability to Control Employee Scheduling

Store Manager	<u>Whether SMs are Able to Schedule Employees Independently?</u>	Deposition Support	Locations Worked in as RA SM
Bogash, Brian	NO	269:24-270:2	Maryland
Bourgeois, Philip	NO	58:8-16, 59:7-9, 341:2-3, 342:21-25, 343:17-20	Mississippi Louisiana
Brown, Richard	NO	219:5-13	Louisiana
Duran, Peter	NO	279: 18-25	Colorado Georgia
Goodloe, Kay	NO	79:19-80:2	North Carolina
Hulsey, Lucille	NO	150:2-4, 150:6-11	Alabama
Lembezeder, John	NO	38:1-5	Arizona California
McCarthy, Sandra	NO	30:1-7	Oregon
McGillivray, Anthony	NO	47:8-10	California
O'Brien , Christopher	NO	173:11-18, 174:16-175:3	Ohio Mississippi
Orlando, Michael	NO	289: 22-25, 290: 1-3, 290: 5-9	New Jersey
Palumbo, Phil	NO	100:14-21	Pennsylvania Delaware
Perez, Arthur	NO	198:1-6	Connecticut
Santos, Jose	NO	129: 3-11	New York
Solis, Rosita	NO	54:20-25, 55:22-56:2, 59:8-11, 60:2-4, 207:6-9	New Jersey
Spencer, Stephen	NO	96:18-22, 97:12-18	New York
Wilson, Kyle	NO	39:22-40:5	Washington State

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Inability to Adequately Hire or Promote Employees

Store Manager	<u>Whether SMs Can Hire and Promote without DM or HR Involvement?</u>	Deposition Support	Locations Worked in as RA SM
Bogash, Brian	NO	289:14-290:14	Maryland
Bourgeois, Philip	NO	135:24-136:16, 358:4-8, 358:20-359:1	Mississippi Louisiana
Brown, Vincent	NO	38:16-18	Virginia
Dayton, Mark	NO	357:16-22	California
Del Angel, Martha	NO	224:24-225:13	California
Dixon, Vicky	NO	136:18-23, 299:15-18, 360:16-361:3	California
Duran, Peter	NO	57:7-14, 360:3-5	Colorado Georgia
Ensor, Cheryl	NO	41:2-20, 228:2-4	Maryland
Gary, King	NO	147:21-148:5	South Carolina
Gauger, Nicholas	NO	230:2-8, 267:10-13	California
Gerber, Brad	NO	120:4, 121:10-15	New York North Carolina
Goodloe, Kay	NO	174:24-175:8, 137:19-138:4	North Carolina
Hulsey, Lucille	NO	176: 19-24, 34:1-2, 251: 22-252:2	Alabama
Lembezeder, James	NO	101:23-102:8, 106:6-8	Arizona California
Lemmings, Rita	NO	55: 1-12	Tennessee
Lenart, Henry	NO	247:19-248:8, 349:6-9, 351:6-12	Massachusetts
Malone, Kimberlyn	NO	29:4-14, 259:16-24, 112:4-7	Michigan

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Marston, Herbert	NO	114:3-12	California
McCarthy, Sandra	NO	61:23-62:7	Oregon
O'Brien, Christopher	NO	61:21-3, 62:22-24, 64:8-20	Ohio Mississippi
Orlando, Michael	NO	64:24-25, 287:12-16, 288:13-15	New Jersey
Palumbo, Phil	NO	183:12-19	Pennsylvania Delaware
Paul, Christopher	NO	147:10-12	West Virginia
Pletka, Thomas	NO	87:16-88:9	West Virginia
Ruzat, Kenneth	NO	290:6-9	Delaware Pennsylvania
Saab, Mohamed	NO	79:9-16, 79: 21-24, 308:3-21	New York
Santos, Jose	NO	134: 15-25	New York
Shiann, Martin	NO	32:2-4	Michigan
Tremblay, Laurent	NO	49:24-50:21, 55:22-56:13	Massachusetts
Whindom, Russell	NO	70:18-23, 71:18-72:2, 145:5-12, 145:16-24	Washington State

Inability to Adequately Terminate Employees

Store Manager	<u>Whether SMs Can Terminate Employees Without Authorization</u>	Deposition Support	Locations Worked in as RA SM
Astelford, Thomas	NO	150:4-6	Pennsylvania
Bogash, Brian	NO	159:24-160:16	Maryland
Bourgeois, Philip	NO	111: 8-9, 116:13-17, 133:19-22	Mississippi Louisiana
Brown, Vincent	NO	159: 8-10, 159: 16-18,	Virginia

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		55:2-3	
Del Angel, Martha	NO	217:24-218:1	California
Dixon, Vicky	NO	263:16-17	California
Duran, Peter	NO	87:14-15, 268:1-5	Colorado Georgia
Echeverria, Elma	NO	143:13-22	California
Ensor, Cheryl	NO	37:19-24, 38:18-22, 39:11-17, 39:24-40:2, 264:7-265:3	Maryland
Gauger, Nicholas	NO	355:22-356:9	California
Gerber, Brad	NO	161:4-10, 165:2-13	New York North Carolina
Goodloe, Kay	NO	57:8-11	North Carolina
Hulsey, Lucille	NO	58:9-20, 262:8-13, 264:3-4	Alabama
Kitchen, Brenda	NO	113:17-20	Ohio
Lenart, Henry	NO	349:12-14	Massachusetts
Malone, Kimberlyn	NO	147:11-13	Michigan
Mangino, Joseph	NO	314:8-14	Louisiana
Marston, Herbert	NO	225:5-9	California
Martin, Shiann	NO	32:2-4	Michigan
McCarthy, Sandra	NO	19:15-24, 66:2-21	Oregon
McGillivray, Anthony	NO	320:8-12	California
O'Brien, Christopher	NO	129:16-22, 127: 10-14	Ohio Mississippi
Palumbo, Phil	NO	69:12-15, 71: 13-21	Pennsylvania Delaware
Paul, Christopher	NO	231:8-9	West Virginia
Riaz, Omar	NO	200:17-201:24	Washington D.C. Maryland
Riley, Cinda	NO	87:10-16, 92:13-18	Washington State
Ruzat, Kenneth	NO	207:11-14, 290:10-13	Delaware

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Saab, Mohamed	NO	197:19-198:2 201 :6-13, 308:19-21	New York
Santos, Jose	NO	256:15-19	New York
Simons, Michael	NO	191:17-192:3, 192:17-19	New York
Solis, Rosita	NO	34:9-12, 44:2-47:17	New Jersey
Spencer, Stephen	NO	46:25-47:6, 48:1-5	New York
Tardo , Ron	NO	195:18-196:10	Louisiana
Thomas, Pletka	NO	116:2-4	West Virginia
Tremblay , Laurent	NO	74:11-20	Massachusetts
Whindom, Russell	NO	222:16-18	Washington State

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Supporting Testimony

All SMs Work 50 Hours Per Week or More

<u>Store Manager</u>	<u>Deposition Support</u>	<u>Locations Worked in as RA SM</u>
Astleford, Thomas	<p>Q. During the time that you were a store manager for Rite Aid, approximately how many hours a week did you work? A. approximately 50. (197:11-14)</p> <p>Q. Okay. Did the hours that you worked, on average, during the week change at any point during your employment with Rite Aid? A. Yes.</p> <p>Q. When? A. I don't know exactly. A lot of times, especially around the holidays and everything, you're working extra. The summer months, you're working extra. (199:16-24)</p>	Pennsylvania
Bolduc, Gerard	<p>Q. How many hours a week do you work on average? A. Probably, right now, right around 50 hours. 50, 52 right now. (313:6-9)</p> <p>Q. And have you ever worked more than 50 hours on average per week? A. Yes. Q. When? A. When I first took over at 4149, it was probably close to 55 to 60 hours. (314:1-6)</p>	Maine
Brown, Vincent	<p>How many hours a week would you average during that period of time? A. A bunch. I'm saying like 60,70.... (167:2-4)</p> <p>Q. And how many hours, before they fired Peru, did you work per week? A. Probably 55. (167:23-25)</p>	Virginia
Bourgeois, Philip	I told the district manager that you know I am working 60 hours a week. You know, I said I need help in here, I cannot operate the store with what I am getting. (211:2-6)	Mississippi Louisiana
Duran, Peter	I'm working 60-plus hours a week. (192:25)	Colorado Georgia

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Gerber, Brad	<p>So I worked -- again, I worked -- some weeks I worked 50, 55, and then some weeks I worked 70 to 75. (275:8-10)</p> <p>There was one occasion when I worked 36 hours in a row without going home. (236:8-10)</p> <p>I believe I was misinformed when I was told it was a 50 hour work week and there wasn't that many weeks that I worked 50 hours. (314:11-14)</p>	<p>New York</p> <p>North Carolina</p>
Hulsey, Lucille	<p>Lots of times I'd be there 65, 70 hours a week. (181:14-15)</p>	Alabama
Lembezeder, James	<p>I worked my butt off 55 to 70 hours a week. (135:12-13)</p>	<p>Arizona</p> <p>California</p>
Lemmings, Rita	<p>Q. How many hours a week did you work? A. When I was salary or when I was hourly? Q. Let's start with salary. A. Salary, it could be anywhere from 60, 65, 70 Q. And when you were hourly? A. Forty-five. Q. You never went over 45? A. No. (71:8-16)</p>	Tennessee
Lenart, Henry	<p>Q. Would you say that you worked more than 50 hours a week ever? A. Had I had weeks that I put in more than 50 hours? Yes. (333:1-4)</p>	Massachusetts
Malone, Kimberlyn	<p>Q. Okay. When you were not doing the grand opening, what was your average hours worked per week in 2008? A. Sixty-five. 249:2-5</p> <p>Q. How many hours did you work per week, on average, in 2007? A. Sixty, sixty-five. Q. How many hours were you scheduled each week? A. Fifty. (249:25-250:5)</p>	Michigan
Martin, Shiann	<p>Q. How many hours a week did you work as a store manager at 1483?</p> <p>A. Sixty-five to seventy. (244:10-12)</p>	Michigan
Martson, Herbert	<p>Q. As a store manager, how many hours did you work per week in 2008? A. Anywhere between 50 and 60. (199:19-21)</p> <p>Q. How many hours a week did you work per week as a store manager in 2009? A. Between 50</p>	California

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	<p>and 60. (199:22-24)</p> <p>Q. How many hours a week did you work per week as a store manager in 2010 prior to your leave of absence? A. 50 to 60. (199:25-200:2)</p>	
McCarthy, Sandra	<p>I'm saying, if you had to take the worst week you had in 2007 as a store manager, how many hours would you say you worked? A. Eighty-five. (21:15-18)</p> <p>Q. And how about in 2008; if you could take the worst week in 2008, how many hours did you work during that week? A. That one, one of those weeks was probably 90. (22:20-23)</p> <p>Q. And I'm going to ask you the same thing about 2009. Taking your worst week, how many hours did you work in 2009? A. Around 80. (23:12-15)</p> <p>Q. Okay. And what about 2010; worst week ever 2010, how many hours did you work? A. That was last year. Ninety. (23:22-24)</p> <p>Q. Okay. And 2011, worst week ever so far, hour-wise? A. Probably 80.... (24:10-12)</p>	Oregon
McGillivray, Anthony	<p>Q. What was the average week for you in terms of hours worked in 2005? A. It varied. Minimum of 50. I don't recall. Q. What would the maximum be? A. 70. (286:2-9)</p> <p>Q. 2006. What's the range of hours worked per week? A. Same. (286:13-16)</p> <p>Q. 2007? A. Same. (286:18-20)</p> <p>Q. 2008? A. Started getting more into the 55-60 range plus. (286:22-25)</p> <p>Q. 2009? A. Same. Around 55, 60 average. (287:2-4)</p> <p>Q. 2010? A. Started averaging about 60 to 70. (287:6-8)</p> <p>Q. And in the two months that you worked as a store manager in 2011, how many hours a week did you work? A. 60 to 70. (287:19-23)</p>	California

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

O'Brien, Christopher	It would be no less than 50.... (188:8-9)	Ohio Mississippi
Orlando, Michael	I would work 60 hours and I would be paid for 50. (11:10-11)	New Jersey
Paul, Christopher	Q. On an average week, how many hours would you work in the store as a store manager? A. Average about 65. (216:22-25)	West Virginia
Perez, Arthur	Q. And how did you work with that budget? A. It was very hard to work with the hours that we have. And I will have to work, me and my assistant, to -- you know, 70 hours a week to cover what we didn't have covered. (83:10-14)	Connecticut
Pletka, Thomas	Q. How many hours a week do you work? A. Required to work 50. Usually 50 or 60. (265:17-20) There was many times I worked 60 or more. (266:2) Many weeks I worked 60 or 70 hours. (266:6-7)	West Virginia
Riaz, Omar	As you sit here today, would you be able to tell us how many hours you worked in any particular week while you were store manager? A. Yes. I worked somewhere around 60 to some -- some particular instance and particular days of the week I also worked longer than 60 a week, 65. Sometimes I would open the store and close the store. That itself is, 8:00 a.m. to 10:00 p.m., is a 14-hour long shift. And I would also come into the store on my days off for a couple of hours or so. (210:13-23)	Washington D.C. Maryland
Riley, Cinda	Q. You have not been a salaried store manager since 2007; correct? A. Yes. Q. When you were a salaried store manager in 2007, how many hours per week did you work? A. It varied from week to week. I had always worked 50, and depending on what needed to get done, I would work up to 70 hours. (263:1-9) Q. How many hours per week did you work as a store manager in 2006? A. I didn't keep track. Q. What's your estimate? A. How many hours per	Washington State

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	week? You want an average? Q. Yes. A. I would say 60-plus? Q. What would be the high and the low? A. 80 would probably be high, and low would be 50. (263:15-264:3)	
Ruzat, Kenneth	Q. When you were a store manager at 2548 how many hours did you work per week? A. That would be an average of 61, 62 hours. (236:4-7)	Delaware Pennsylvania
Santos, Jose	They supposed to be about 50 minimum. But I always ended up doing more, more than that. (156:5-7)	New York
Simons, Michael	Q: How many hours a week did you work? A: Sixty, sometimes more. (75:11-13)	New York
Smith, Richard	Q. How many hours a week would you estimate that you worked during the time that you were a store manager? A. 60. (59:25-60:2)	Maine
Solis, Rosita	Q. What was the most hours you ever worked in a week? A. In a week? Q. Approximately. A. Seventy, 72. Sometimes I would get stuck doing double shifts because there would be no one else to do it. Q. And there was no one else to do it why? Why couldn't you get someone else in the store? A. Not enough payroll. (226:12-22) Q. Did you ever work less than 50 hours in a week? A. No. (226:23-25)	New Jersey
Spencer, Stephen	Q. And while you were working for Rite Aid as a store manager, did you ever work less than 50 hours in one week? A. No. (8:22-25)	New York
Tardo, Ron	Q. At the Bogalusa store, how many hours did you work, on average, in a week? A. Oh, when I was on salary? Q. Yes. As a store manager, yes. A. Oh, it's about the same, to be honest, because I was working 60 to 80 hours a week. (74:7-12) Q. And when you became the store manager at 7290 in Slidell, how many hours a week did you work? A. I probably worked about 80. (74:15-18)	Louisiana
Whindom, Russell	Q. And if you could say during those last four years at 5220 what your typical work schedule	Washington State

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	<p>was, what would it have been, as far as hours you actually worked? A. You want total hours? Q. Let's say, per day or per week. A. 60 to 65 hours. Q. Per week? A. Per week. (85:9-16)</p> <p>Q. And were there ever weeks, not including vacation weeks during those last four years at 5220 where you were working less than 60 hours a week? A. No. (86:19-22)</p>	
Wilson, Kyle	<p>Q. How many hours a week did you work as a store manager in 2007? A. Probably around 55 hours a week. (265:11-13)</p> <p>Q. How many hours a week did you work in 2008? A. Approximately the same 55 to 60, I would say as well. Q. And again, it would change by week? A. A little, I mean, but -- we were expected to work a minimum of 50. (265:25-266:6)</p> <p>Q. In 2009, how many hours a week did you work as a store manager? A. Approximately the same. (266:10-12)</p> <p>Q. 2010? A. Towards the end of 2010, I would say it started increasing. Q. To what? A. Closer to 60 hours a week. (266:13-17)</p> <p>Q. 2011? A. About the same, closer to 60 but not every week it was 60. Q. If varied based on what was going on? A. Yes. (266:18-22)</p>	Washington State

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Majority of SMs' Time Spent on Non-Exempt, Non-Managerial Duties (including: stocking shelves, running the cash registers, unloading trucks and janitorial work)

<u>Store Manager</u>	<u>Deposition Support</u>	<u>Locations Worked in as RA SM</u>
Bogash, Brian	<p>Q. What percentage of your tasks that you completed when you were quote, unquote, cleaning up a store, would you consider to have been non-managerial? A. Probably at least 90, 95 percent on the cleanup. (276:9-15)</p> <p>Q. How many of the store managers that you know – or percentage-wise, how many of the store managers that you know of had to complete non-managerial tasks? A. Joe Gillespie, a very good friend of mine, he had the store right up the street from me. John Brown, he had the other store down the street from me. There were, there were a group of managers, Larry Bowes, who, we were friends, we stayed friends, Zahed Durrani, you know. And I don't know what percentage, but the managers that I talked to, Patty Merson, who had the store 3239, she didn't have the payroll to run her store so she did a lot of managerial functions as well. It was an in-general conversation with all of us. (293:4-22)</p>	Maryland
Dayton, Mark	<p>Q. What percentage of your time did you spend as a store manager at Rite Aid completing those non-managerial tasks? A. Can I answer? Q. Yes, go ahead. A. It was pretty much entwined into my whole day. (351:4-11)</p> <p>Q. If I had to pick a percentage, I would say maybe 80, 85 percent. (351:17-18)</p>	California
Dixon, Vicky	<p>Q. What percentage of your hours that you would work weekly at Rite Aid would be dedicated to non-managerial tasks? A. I would say 85 percent. (343:14-17)</p>	California
Echeverria, Elma	<p>Q. So what percentage of your overall work on average were you doing that you considered to be non-supervisory? A. I would say non-performing manager duties was – like, 80 percent of my job I was not doing manager duties. (300:21-301:2)</p>	California

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	I would say 20 was management and 80 was non-management. (301:22-23)	
Gauger, Nicholas	Q. As a store manager, what percentage of your time on average did you spend doing non-managerial tasks? A. I would say anywhere between 50 to 70 percent of my time was non-managerial. (350:19-24)	California
Gerber, Brad	I had to prepare and operate the photo machine. I had to run the register. I had to stock shelves. I had to perform maintenance inside and outside the building. I had to complete cycle counts, price changes, plan-o-grams. I had to unload trucks. I had to reload trucks with empty and damaged merchandise. (314:18-25)	New York North Carolina
Handshoe, Jared	Q. When you say a large portion of the physical work in the store, what percentage of the work in the store that is physical do you think you do? A. I would say 70 percent is a safe number. (314:5-11) Q. So of all the work you do at Rite Aid, let's take 55 hours, okay, what percentage of that 55 hours per week would you say falls into one of those categories of non-managerial tasks that you do? A. Easily 70 percent. (322:8-14)	Kentucky
Hulsey, Lucille	Q. Would you say you spent more time doing non-managerial duties than managerial duties? A. Yes, ma'am. (256:18-21)	Alabama
King, Gary	Typically I was in the store ten to 12 hours a day, so I'd say anywhere from five to seven hours. (212: 13-15) Q: Can you tell me what duties, non-managerial duties, you were required to complete on a daily basis? A: Plano-grams, cash register , ringing up Western Union, sweeping the leaves out of my store, stocking the truck , working back stock, trash out the back door....How to run a register because they have a policy that if there's more than two in line , they have to call for help. Working a photo machine. (330:18-331:7)	South Carolina
Kitchen, Brenda	Q. What percentage of your workweek would you spend doing non-managerial tasks, would you	Ohio

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	approximate? A. 80, 85 percent. (347:18-21)	
Lembezeder, James	Q. What portion of the day would you say you spent completing non-managerial tasks? A. It would be hard to say, daily. But, weekly, non-managerial tasks provided 90 percent of my duties, and 10 percent of my duties were managerial. (290:23-291:6)	Arizona California
Lenart, Henry	Q: You spoke about your duties or you performing duties such as cleaning, stocking shelves, pricing items.Q. Is it fair to say that those are non-managerial duties? A: I would agree with that statement. Q: What portion of your day did you spend doing these non-managerial duties? A: Portion in a percentage? Q: Sure. A. I would say 60 to 70 percent? Q; And did you do these non-managerial duties every day? A: I did. (347: 3-19) Q. And did your performing these nonmanagerial duties affect your ability to do your managerial duties? A. We spent more time typically doing grunt labor than we did managing the store. (348: 8-12)	Massachusetts
Malone, Kimberlyn	Q. And, on average, how much would you spend performing your non-managerial duties on any given average workweek? A. My non-managerial duties. A. At least 50 to 60 percent of the time. (284:18-24)	Michigan
Martin, Shiann	Q. Okay. On average, what percentage of the time did you spend performing non-managerial tasks in any given workweek? (objections) Q. Can you answer the question? A. Yes. Q. What is the answer? A. I – the majority of my time I was there I was doing the basic cashier work. And I would figure it up to be at least 70 percent of my time. (264:2-13)	Michigan
McCarthy, Sandra	Q. What percentage of your time for the last, let's say, three years, do you feel that you've spent on non-managerial duties? A. Seventy percent. (126:17-20)	Oregon
McGillivray, Anthony	Q. What percentage of your time did you spend as a manager at Rite Aid completing non-	California

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	managerial tasks? A. Towards the end it was close to 60 percent, maybe more. (314: 1-6)	
O'Brien, Christopher	Q. Can you tell me what duties, non-managerial duties, you were required to complete on a daily basis? A. Plan-o-grams, cash register, ringing up Western Union, sweeping the leaves out of my store, stocking the truck, working back stock, trash out the back door. Q. Is there anything else that you can recall? A. How to run a register because they have a policy that if there's more than two in line, they have to call for help. Working a photo machine. I think that pretty much covers it. Q. And in your opinion, did these duties take away from your ability to effectively manage the store? A. Yes. (330:18-331:13)	Ohio Mississippi
Orlando, Michael	Q. You also testified that you stocked shelves; is that right? A. Yes. Q. The duties such as cleaning, stocking shelves, working the register, is it fair to say those were non-managerial duties. A. Yes. Q. Can you approximate what portion of your day you spent doing those non-managerial duties? A. Seventy-five percent. (284:16-285:2)	New Jersey
Palumbo, Phil	Q. What percentage of your time as a store manager is spent doing non-managerial tasks? A. A percentage? If I were to guess, on an average week, I would say about 80 percent, possibly 85. (304: 17-21)	Pennsylvania Delaware
Perez, Arthur	Q. Mr. Perez, can you identify your duties as a store manager at the Rite Aid at the Norwalk store? A. I was in charge that the store rolls well. I put up stock; unload the truck, took price changes, ordering, ringing on the register, sometimes help with the photo department, clean the parking lot. Swept the floor, sometimes mop it. Make sure the bathroom was clean, throw the garbage out. That's pretty much it. (212:6-15) Q. What portion of the day did you spend doing these duties? A. Pretty much all day. (212:23-25)	Connecticut
Pletka, Thomas	Q. How much time – you described cleaning and stocking shelves. Would you characterize those as non-managerial duties? A Probably between 50 and 60 percent. Q And how frequently do you do those kind of duties? Every day? A. Daily. (328:25-329:9)	West Virginia

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Riley, Cinda	<p>Q. As a store manager at Rite Aid, did you complete non-managerial tasks? A. Yes. I would clean the restrooms, sweep the floor, stock the shelves, usually for more than half my day. (302:24-303:4)</p> <p>So, yeah, I'd spend more than half my day doing the non-managerial tasks that used to be done mostly with cashiers. (303:16-18)</p>	Washington State
Saab, Mohamed	<p>Most of the times with Rite Aid I spent on the floor doing work which was supposed to be done by hourly workers, like stocking shelves, bringing boxes from the basement, run the photo lab. (306:19-22)</p>	New York
Simons, Michael	<p>Q: Would you personally offload the truck yourself? A: Not all the time, but most of the time. (95:16-19)</p> <p>Q. Do you believe because you were engaging in hourly work because of the direction of your district manager that affected your ability to engage in managerial duties? A. Yes. (210:15-24)</p>	New York
Spencer, Stephen	<p>Q. And on average, what percentage of your work per week did you spend doing these non-managerial duties? A. I spent half to three quarters of my time doing non-managerial tasks. (196: 5-10)</p>	New York
Tardo, Ron	<p>Q. What percentage of the time would you say that you – strike that. What percentage of time, as a store manager at Rite Aid, did you complete non-managerial tasks? A. About 75 percent of the time. (270:13-20)</p>	Louisiana
Tremblay, Laurent	<p>Q. So, Mr. Tremblay, how much time was spent doing non-managerial duties? A. Well... Q. At the Fall River store. A. I'd say, out of a day, a ten-hour day, I probably spent two hours managing. And the rest was either stocking, cleaning, putting up – doing stuff in the back room. Like bringing out – we used to have a list that would print out of the computer. And that was in the back room. We'd have to go get it, bring it out, put it up on the shelf. Wash floors sometimes. Because we had nobody else to do it (175:21-176:9)</p>	Massachusetts

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	You set up the drawers. Went to the bank. Probably took two hours, total. And the rest – you know. The rest of the time you were doing non-managerial. (176:14-18)	
Whindom, Russell	<p>Q. And what non-managerial duties did you do as a store manager at Rite Aid? A. Unloading the truck, putting merchandise on the sales floor, doing the blue dot system, pulling back room merchandise, doing planograms, sometimes sweeping the floor, facing the floor. Q. Cleaning the store? A. Yes. (219:4-11)</p> <p>Q. Over the last three years, what percentage of your time do you believe you spent on non-managerial tasks in any given week? A. 65, 70 percent. (219:23-220:2)</p>	Washington State
Wilson, Kyle	Q. What percentage of your time as a store manager at Rite Aid did you spend completing non-managerial tasks? A. More than half. (279:16-20)	Washington State

District Manager and Rite Aid Corporate Control and Manage Stores (not SMs)

<u>Store Manager</u>	<u>Deposition Support</u>	Locations Worked in as RA SM
Bogash, Brian	You're really not managing the business. You're basically a store operator because of corporate compliance. (71:20-23)	Maryland
Bourgeois, Phillip	<p>I would put what's got to go on each end cap and then fax it over to the district manager and say, look , here's my layout , here's what we are doing. And then he will either call me and say, yeah, that's fine go ahead , or he'll fax back with an X saying, no, you need to put this, this is where they want this. (72: 2-9)</p> <p>As a store manager you was more of a puppet saying, ok I am here at the store, this is what happened, this is what it is. Now, what do you want me to do. Here's what I think. And then, bam, well, no, here's what we are going to do.</p>	Mississippi Louisiana

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	(52: 3-8) You had no, basic say-so over the store, to run the store. (55: 3-5)	
Brown, Vincent	<p>[T]hey use us like robots and cleanup men, that was all that it was, robots and cleanup men. (135:4-6)</p> <p>Q. So you did things other than being a robot; correct? A. Okay, 90 percent of the time I was a robot, how is that? The other ten percent I was taking stuff that I needed to take to my district manager.... (165:9-14)</p> <p>We were robots you know, you just do what you're told , that's all you would do. (351: 7-8)</p> <p>And—and just feeling like a robot all the time, you know, just coming in and just—just being a robot. All we did was just push freight out the door, bring freight in the door, clean bathrooms. I mean, there's a lot of—lot of stuff that, as a manager, that I didn't feel like I was the manager. I felt like a robot. (66:1-7)</p>	Virginia
Duran, Peter	<p>Rite Aid dictated everything to the store managers. You had to put this on this particular end cap and you had to do this particular, you know , plan-o-grams within this time frame and such. (103:6-10)</p> <p>You don't have any choice because corporate wants it there. (103:13-14)</p> <p>You had no choice. It was dictated to you and that was going to be it. (103:20-21)</p>	Colorado Georgia
Ensor, Cheryl	Nothing was done in the store unless he approved it. (56:15-16)	Maryland
Gauger, Nicholas	I kind of believe that a lot of it's managerial due to the fact that – you know, kind of there has to be associates there to manage actually. You know, I'm not an executive of a company making corporate decisions, making corporate buys, making, you know, corporate pricing, corporate budgeting or planning. I'm not planning out the hours for the store, you know, the opening and closing hours. I can make suggestions, but that's	California

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	about it. (350:24-351:8)	
Gerber, Brad	<p>Is just a title for the most part. I mean you're the person of responsibility but you're not really in charge. (95:5-7)</p> <p>Mostly everything we had to do was sent down by the corporate level, we just had to execute more than anything else. (46:21-23)</p> <p>I have to execute what the company tell us they want done. (89:20-23)</p> <p>A good portion of what we did on a daily basis was planned. It met a list, it came out in a series of expectations, marketing, merchandising or store operation's bulletins. Somebody at some point said this had to get done this week. In the store, we didn't randomly make up activities to keep ourselves busy. They started somewhere. (310: 1-8)</p>	New York North Carolina
Goodloe, Kay	<p>You know, I didn't have any say-so what went on end caps or at the front register or how many hours I used, anything like that. I really didn't have the judgment; I didn't have the power to make those decisions. (173:25-174:4)</p> <p>Q. In the few weeks that you were assigned to the University store as the store manager, would you say that you were running that store? A. No. Q. Would you say that you were running the downtown store as the store manager? A. No. Q. And why would you say you were not running the downtown store while you were a store manager there? A. Because I didn't have the leeway from corporate to run that store. (157:9-22)</p>	North Carolina
Handshoe, Jared	<p>A: He's very much a micro manager, and he – like he takes – like he does the majority of like everything, just – it's just one of the people that you just don't mesh with I mean, he's to the point – like he makes us turn in our own schedules, like we don't get to write our own schedule anymore. Like he is very much a micro manager. (27:4-17)</p>	Kentucky
Hulsey, Lucille	<p>Q. Did your district manager tell you what to do ever? A. Yes, ma'am. Q. How often? A. Well, you had all them things that you had to do. And then sometimes he would call and want you to do</p>	Alabama

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	specific things, per se, go measure the departments in your store or just, I mean, he would tell you things to do, different things. (252:3-16)	
Lembezeder, James	<p>Q. And you're in charge of your store; right? A. Sometimes, I was. Q. When weren't you? A. Corporate directives would come down. I really wasn't in charge of what they were telling us to do. Q. Who enforced -- A. I was following what they told us to do. Q. And who enforced the corporate directives? A. The district manager. (44:25-45:14)</p> <p>Q. Who was, actually, running the store? A. I would say that he [DM] was. He was telling me, and the corporate policy was telling me -- corporate directives were telling me how to do everything, and so I really wasn't running it. (50:5-13)</p>	<p align="center">Arizona California</p>
Lemmings, Rita	<p>Q: So you don't think that you had discretion to do the things outside of normal policies and procedures that you wanted to do that you felt would make the store more profitable? A: Absolutely not. (88:7-11)</p> <p>He [DM] told you what to do and you were expected to carry out what he said. (37:18-19)</p>	Tennessee
Malone, Kimberlyn	<p>Q. When you are in the store as a store manager, you are the boss, right? A. I'm not the boss. Q. Who is the boss? A. My district manager is. (35:7-12)</p> <p>Bill states that it's her store, meaning that it's my personal store, but it's not my store. It's Rite Aid's store. The leadership, I think there is no doubt of who the leader is. The leader is the district manager. (96:1-5)</p>	Michigan
Martin, Shiann	<p>Q. Is he a micromanager? A. I guess define "micromanager" in your terms. Q. Was he somebody that had to control every aspect of your store? A. Yes. (106:11-16)</p>	Michigan
O'Brien , Christopher	<p>Q. At Rite Aid as a store manager, do you believe that you had overall responsibility for your store? A. No. Q. Why not? A. Because you don't really</p>	<p>Ohio Mississippi</p>

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	<p>have a say in what goes on in your store. (61:8-16)</p> <p>Q: At Rite Aid as a store manager, did you run the stores? A: No. Q: And why do you say no? A: Because everything I do at Rite Aid when I'm there is handed to me; do this, do it this way, and I don't have , there's choices that I would love to be able to make that I can't make. (234:18-235:1)</p> <p>Q: Would you say Mr. Gentry was a micro manager? A: I'd say all of them were. Q: All of who? A: All my district managers I've experienced. Q: All three of them? A: Yes. (233:22-25, 234:1-4)</p>	
Omar, Riaz	<p>Q. What are the things that you did to try to make adjustments to profitability as a store manager? A. To make sure I have more employees on the floor when they're supposed to be there for our customers. But mainly my district manager had a lot of interaction with such items. And he would delegate stuff to me. He would just tell me how to handle things. Basically, he was just running the show. I was just -- you know. I was just a -- like I always called myself there a glorified stocker. (116:15-117:2)</p>	<p>Washington D.C.</p> <p>Maryland</p>
Pletka, Thomas	<p>Q. Do you believe you have autonomy to run your store? A. No. (340:12-14)</p>	West Virginia
Ruzat, Kenneth	<p>Q. Did you consider yourself ultimately responsible for profitability at your store? A. No. Q. Did you feel you had autonomy at your store? Autonomy to run your store? A. No. Q. And why not? A. Most things had to be approved through the district manager. When we had conference calls, it was discussed to make sure we send him an e-mail when things that we needed done were ordered. If we needed -- not your basic supplies, like bags and things like that. But ordering hooks, things like that. Even though we had a book for it, we had to have him approve that. (294:5-21)</p>	<p>Delaware</p> <p>Pennsylvania</p>
Saab, Mohamed	<p>With Rite Aid, I feel like I am a robot. Somebody controlled me with a remote control. I have no say in any decision in the store regarding payroll, regarding where the merchandise go. Everything</p>	New York

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	<p>was done for me. (307:18-22)</p> <p>I (Ravi- DM) am your new district manager. I run the show. I make the decision for you guys. I want to know everything that goes on in the store. (52: 1-4)</p>	
Santos, Jose	<p>Q: Do you believe you had autonomy or authority to run your store? A: Well, not really because of the thing that I just pointed out. It is the company that's giving us budget, that giving us planograms, telling us what to do. We cannot, you know. Anything we say is not taken into consideration. As far as running the business. Like I explained before, I might need more budget. I might need a store to close later or earlier. You know, different changes. But a normal manager will take the decision ,and Rite Aid was not able to make those decisions as a store manager. (249: 23-25, 250:1-12)</p>	New York
Solis, Rosita	<p>I was told -- I was given a list of stuff to do, told how to run the store. The district manager would be there three times a week, just looking around, always saying something was wrong, telling me how to do things. (234:14-18)</p> <p>Q. So, who do you think actually ran the store? A. Oh, Wade. Q. The district manager? A. Yes, sir. (234:19-23)</p>	New Jersey
Spencer, Stephen	<p>Q. As a store manager, did you feel that you were in charge of your store? A. No. Q. Why not? A. Because the majority of the decisions that were made were made by the district manager. Also, everything was dictated that you had to do through CBTs, through planograms. You were not allowed to make these decisions on your own. (117:16-25)</p> <p>Q. Is it fair to say that you were always in charge when you were in the store, regardless of what duties you were performing? A. No. I would not agree with that. Q. Why wouldn't you agree with that? A. Because it was being dictated to me what I would do as a store manager, what I would sell, what pricing it would be, where to merchandise certain items, what to do with employees, how they wanted --how customer</p>	New York

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	<p>complaints were to be handled. So I do not feel I was in charge. (174:18-25, 175:1-7)</p> <p>She would explain exactly where she wants this product sold, or what should be on that end cap. Moving displays around the store. (75:22-24)</p> <p>Q. Would you say that she (DM-Nancy) was a micromanager? A. Yes. (162: 6-8)</p> <p>Well if she didn't like the way I put a display in the store, she would come and move it somewhere else. If she didn't like the product I had on the front end cap of the store, because I think that that product would sell in that neighborhood, she would instruct me to move it. (76: 16-22)</p>	
Tardo, Ron	<p>Q. When you were the store manager, how would you go about determining what tasks needed to be done on a daily basis in the store?</p> <p>A. Well, it all comes down from Corporate, on a SYSM. Our planograms and, you know, just everything comes on a computer from Corporate, tells you what needs to be done. (141: 17-23)</p>	Louisiana
Whindom, Russell	<p>Q. Can you give me some examples of what those directives that were taken over were? A.</p> <p>Mandating where merchandise was to be placed, tightening the budgets, what merchandise could -- we couldn't order merchandise that we thought would sell in the store for a vendor. It was all done -- this is all done by corporate. We were basically told what we could -- what was to come in the store and where it was put. (110:4-12)</p>	Washington State

Corporate Communication including Emails and SYSMs

<u>Store Manager</u>	<u>Deposition Support</u>	<u>Locations Worked in as RA SM</u>
Goodloe, Kay	Because I was the one who read the E-Mails that were sent out by corporate. We could have as many as 30 E-Mails a day telling us of things to do...." (106:17-20)	North Carolina
Hulsey, Lucille	Q. And were you otherwise communicating with	Alabama

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	<p>Mr. Draughton in any other form of communication? A. On SYSMs. Q. And how often were you communicating with him on SYSMs? A. We would probably do that every day. (154:24-155:5)</p> <p>Q. And the SYSMs, what kind of things would you get in SYSMs? A. Lists of things that he wanted to know had been done in the store. You had a weekly list that come out with plan-o-grams, you're up to date on plan-o-grams. Let's see. Price changes, where you stood on price changes. And just different things like that that he would send lists out for, wanting to know. (155:8-17)</p> <p>Q. Who told you to check SYSMs three times a day? A. District managers. (259:22-24)</p>	
King, Gary	Q. Do you remember how you communicated? Other than by telephone or in person, on the computer, how did you communicate? A. SYSMs. (124:7-10)	South Carolina
Kitchen, Brenda	We had SYSMs from our district manager that we -- that laid out what needed to be done. I would say within a year, year and a half before I left, was terminated, we had a new system go in - - and, I'm sorry, I don't know the name of the new system, but it gives you in detail day to day this is what needs to be done in your store. (130:2-8)	Ohio
McGillivray, Anthony	Q. And how many SYSMs would Dave send per week? A. To me or to the district? Q. To you. A. Including those that he would send out to everybody? Q. Yes. A. A lot. I don't have a number. Q. More than 50? A. Sometimes. (88:6-16)	California
Smith, Richard	Q. What types of things would come to you in a SYSM? A. What they would want on the sign out in front of the building, our CSI scores would be in there, any clearance that has to be done, and anything that the DM directly wants to be done. (121:9-13)	Maine

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

SMs' Sharing of Certain "Managerial" Duties with Hourly Employees

<u>Store Manager</u>	<u>Deposition Support</u>	<u>Locations Worked in as RA SM</u>
Ensor, Cheryl	When I closed, I faced the store just like the assistant would do. (262:21-22)	Maryland
King, Gary	Q. Was there anything that you did as a store manager that your assistant store manager and shift supervisor did not do? A. The only thing different for me and the assistant was I had a key to the personnel file. (214:11-17)	South Carolina
Malone, Kimberlyn	Q. Every week -- or every payroll, you completed payroll for your store, right? A. No, because the other managers also -- they also did payroll too. The assistants. Q. The ASMs did payroll in your store as well? A. Pardon me? Q. The ASMs did payroll in your store as well? A. Yeah. And the shift -- and the shift supervisor. (226:2-11)	Michigan
McCarthy, Sandra	Q. And what about the difference between your job as a store manager and shift supervisors; you think there are different duties that you have that a shift -- compared to a shift -- a shift supervisor? A. Shift supervisors actually can do everything that I do. They have the ability to create schedules and approve payroll. (47:13-19)	Oregon
Palumbo, Phil	Q And are they still -- are assistant store managers still completing the same tasks and duties as store managers at Rite-Aid? A. Yes, but they don't have a 50-hour work week. (305:22-306:1)	Pennsylvania Delaware
Riaz, Omar	Q. And who closed? A. My shift supervisor. Q. Who? A. Nicholas Dickson. Q. Okay. So when you described the closing procedures before -- A. Yes? Q. --did Nicholas Dickson perform all those closing procedures? A. Yes. (310:9-18) Q. Does Mr. Dickson deal with the cash when he closes? A. He did. He made the deposits. Yes. And counted the register before closing the registers. Q. He has access to the safe? A. Yes. Q. He has access to the alarm code? A. Yes, he had. (311:9-17)	Washington D.C. Maryland

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Santos, Jose	So If I was -- if I was off on the day of the order, and then the other person that's there will do the order. Either the shift supervisor or the assistant manager. (94: 18-21)	New York
Smith, Richard	Are you asking what the differences are? Yes. I did the same thing as the hourlies did. Everything they did, I did right with them. Did you have additional responsibilities as a store manager? Additional responsibilities would be if anything goes wrong, I'm the one that is going to get burned. (42:9-23)	Maine
Solis, Rosita	Q. Was the shift supervisor position an hourly position? A. Yes. Q. And how about the assistant manager position that you held, was that hourly or salaried? A. Salaried. (17:14-19) Q. The shift supervisor, when they worked, did they ever open the store? A. Yes. Q. And the duties that you described, were those also the duties of the shift supervisor at opening? A. Yes. (225:16-22) Q. [I]f you were opening the store, then what? A. Yes, drop deposits off to the bank, check SYSMs right away. Q. SYSMs would have messages from the district office? A. Yes.....Q. And then what did you do? A. Checked SYSMs; see what had to be done, whether it be planograms, recalls, price changes. Q. And then? A. See what I had to do and get to work. (202:24-203:5)	New Jersey

SMs' Inability to Supervise While Engaging in Non-Managerial Tasks

<u>Store Manager</u>	<u>Deposition Support</u>	<u>Locations Worked in as RA SM</u>
Brown, Vincent	Q. Were you able to supervise your store effectively while you were stocking shelves? A. It was impossible. Q. Why was it impossible? A. Because of the shelves. The counters was 72 inches high. You can't see over them. All you can see was what was down at that end of the counter and what was down at that end. (342: 15-23)	Virginia

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	Q. And what about when you were unloading the truck, were you able to supervise your employees effectively? A. No. We were outside. We couldn't see nothing inside. (343:21-344:4)	
Del Angel, Martha	Q: Were you able to, for instance, supervise a cashier if you were at the back of your store cleaning up a spill? A: No. Q: Would you be able to supervise and see someone at the back of our store who was doing stock – you know, stocking shelves if you were at the front of the store as a cashier? A: No. (271:8-17)	California
Duran, Peter	Q. Were you able to supervise all your employees effectively? A. When unloading, like, the truck or there was a big project that was required, there would be no way that I could do it effectively as it should be. You're so busy doing your own things, you don't know exactly what that cashier is doing up front. (375:11-19)	Colorado Georgia
Gerber, Brad	I was still in the supervisory role but I didn't have the time to gave it the proper attention that it needed at that time because I was involved in specific non-managerial tasks. (321:22-322:1) Couldn't supervise employees when I was offloading truck because I am outside the store. (228: 6-8)	New York North Carolina
Goodloe, Kay	No. I mean, no, there was a lot of times that, that I couldn't supervise employees. I would be out unloading a truck in the middle of the street outside. There wasn't a manager inside the store to watch employees. (113:3-8)	North Carolina
Hulsey, Lucille	Q. Were you able to watch your employees all the time when you were at the store? A. Not all the time. Q. Why? A. Well, sometimes you'd be, like, in the back doing plan-o-grams or doing things that required you to be in the back part of the store. You had your Red Dot program, per se. Okay? Your Red Dot program was where whatever was in the stockroom was overstock from what you had on your shelf. All right. You had to go back there, and you had to check and make sure the Red Dot program was done. You'd have to have certain sections that they called it Friday Freshness that you'd have to do for out-of-	Alabama

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	dates. And you weren't always, you know, right where you could watch everything. (250: 1-19)	
King, Gary	<p>Q. When you opened the store and you were on the cash register, were you able to see the entire store? A. No. Q. Did that affect your ability to manage? A. Anytime I was on the cash register, that—I mean, that made it pretty much impossible to perform managerial duties. (212:16-25)</p> <p>How did doing non-managerial work affect your ability to manage? A Well, the non-managerial stuff performed -- you know, it took away -- you know, just how to put it. When you're setting a planogram, you're pretty much just setting a planogram. You don't know what your cashier's doing up front, and you don't know what they're doing in the pharmacy because you're right there. You can't see either place. You're right there where you're working on a planogram. So, I mean, you can't see if there's something going on that you could effect or not. (213:1-16)</p>	South Carolina
Lemmings, Rita	There's no way to supervise when you're stocking a truck. There's just no way" " Q: You're still the supervisor on duty. You just can't see what they're doing? A: Yes. (228:1-2, 228:23-25)	Tennessee
Lenart, Henry	Q: Did your performing these non-managerial duties affect your ability to supervise your staff? A: At times, yes. Q: How so? A: If I was in the back room taking out trash or I was putting wax down on my back room, break room or bathroom floors, I wasn't on the sales floor, I wasn't supervising my customer - my stand and I had no ability to interact with my customer. (348:17-349:1)	Massachusetts
Malone, Kimberlyn	Q. Were you able to properly supervise your store employees when you were engaged in non-managerial duties. A. No. (289:8-12)	Michigan
McGillivray, Anthony	Was it more difficult to supervise your staff when you were doing non-managerial tasks as a store manager? A. Yes. (317:18-22)	California

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Orlando, Michael	Q: Did your performing these non-managerial duties affect your ability to supervise staff? A: Yes. Q: How so? A: Well again if I was in an aisle for several hours doing whatever, I --I couldn't really see what the employees were doing to properly evaluate them, or supervise them. (286: 11-20)	New Jersey
Pletka, Thomas	Q. Well, let's say you're cleaning or stocking shelved. Are you able to see what is going on at other parts of the store? A. Very limited on what I can actually see. (331:23-332:4)	West Virginia
Ruzat, Kenneth	Q. Did it effect your ability to supervise your staff? A. Yes. Because I was either in the back room, cleaning the bathroom or the break room, and leaving them alone up front by themselves our outside doing the parking lot. Q. And this would be for at least a quarter of the day, you said? A. Yes. (289:3-11)	Delaware Pennsylvania
Santos, Jose	Q: Do you feel when you were doing though duties were you able to fully supervise your store? A: Not really. Q: Why not? A: Because if I'm shoveling outside the store, I'm not inside -- I'm not even inside the store. If I'm packing out something in the back, I cannot see what's happening on the other side of the store. I cannot supervise the store while I'm doing something. (247: 22-24, 248: 1-9) Q: Where are the cash registers in your stores located? A: The store is in the front. Q: So if you were working on a cash register in the front of the store, could you see what your employees in the back of the store were doing? A: No. No, I couldn't. I couldn't see what they were doing. I mean usually , you know, I would only stop what I was doing , which was necessary to be done , I will only stop to do it when a customer requested my help, I will stop and help them. But normally I had no control. You know, I needed to do -- to do the work that I was doing and it's hard to supervise everybody. (245:7-25) Q: So when you were stocking shelves, would you be able to see all the employees in your store to supervise them? A: No. No, because I'm	New York

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	stocking the shelves. You know when I'm stocking the shelves and doing a task , I mean , you know, I got finish what I'm doing before I can go check on something else. So it's very difficult to -- to keep and eye on to supervise while I'm-- while I'm stocking a shelf or doing something like that. (244:19-25, 245:1-6)	
Spencer, Stephen	I couldn't properly supervise the employees. Q. What do you mean, you couldn't properly? A. If I'm on a register, I cannot -- in a huge store, like which is 3855, I cannot monitor what employees are doing if I'm stuck on a register or if I constantly have to stock shelves, if I have to constantly clean up the back room or scan damages. Because there's no employees there to do it. (111: 4-14)	New York
Tardo, Ron	Q. If you were at the cash register ringing up a customer, would you be able to supervise a store employee who, for instance, was stocking shelves in the back of the store? A. No. (274: 7-11)	Louisiana
Wilson, Kyle	Q. Did doing the non-managerial tasks affect the way that you were able to supervise your staff -- (objection form) -- while you were a store manager at Rite Aid? A. Yes. (281:16-21) Q. And if you were, for instance, completing Blue Dots and you had an employee at the cash register ringing up customers, were you able to supervise or watch that employee while you were doing the Blue Dots? (objection form) A. No. Q. Would you say that these duties prevented you from truly being able to manage your store as a store manager at Rite Aid? A. Yes. (282:11-22)	Washington State

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

SMs' Inability to Decide What to Order or Sell in the Stores

<u>Store Manager</u>	<u>Deposition Support</u>	<u>Locations Worked in as RA SM</u>
Astleford, Thomas	A. Rite Aid, I believe, it came in automatically. They had the computer, and they used to -- the computer figured out how much it sold at what time of the year and how much you're going to sell again. So they ordered it. Q. Were you able to adjust that order? A. The only way -- the district manager had authorization to adjust all orders. So if I -- if our ad order was sent in and I caught it and I said that's not enough, I'd have to call my district manager and let him know that's not enough. Then it's his decision to up it or not. The same thing with seasonal. We had no authorization to do anything like that. (193:9-24)	Pennsylvania
Bourgeois, Philip	Corporate did all the ordering for us and sent it down. (27:11-12) A. But I mean, the Mardi Gras supplies, that type stuff, you know, I'd call, say, look, we need flags and these type of things sell because they buy the stuff for Mardi Gras and that. And, you know, well, that has to be approved through corporate. Q. Did any Mardi Gras merchandise get approved? A. I never seen Mardi Gras merchandise show up during Mardi Gras. And I always said I can't believe they're missing the boat. (168:4-14)	Mississippi Louisiana
Brown, Vincent	Q. Have you heard the term hard order; do you understand what I mean by that? A. That's in case you want something that you can't get through the regular replenishment system you can go to your DM and they can put in an order for you. Q. And you can make requests; right? A. Yes. Q. And did you ever do that? A. Oh, yeah, we—we never got it. (255:3-12) The only one that could hard order was the DM. (256: 2-3) Their (RA) system wasn't an ordering system, it was a replenishing system. (207: 1-2)	Virginia

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Del Angel, Martha	Q. As the store manager for Rite Aid, have you had any authority to decide what sort of product should be bought for the store? A. As far as what we sell? Q. Yes. A. I don't -- no, I don't have authority to do that. (62:2-8)	Oregon
Duran, Peter	It's out of that store manager's control. (109:19-20) "We had no choice in let's say how many Christmas trees are going to be shipped to the store. (192:20-22) The seasonal items weren't even listed on the computer screen to order. (200:12-14) Even if you had it in your store, if it wasn't part of your plan-o-gram it wouldn't be reordered. (108:11-13) You could make a change to the ad order but it was pretty much locked in as to what you are going to be getting, even though you made the changes. (198:6-10)	Colorado Georgia
Gerber, Brad	Deciding what merchandise to bring in to my store and decide how much to order and a litany of other things, I did not make frequent independent judgments. (277:24-278:2) I didn't have independent judgment over the type of merchandise we received. (312:16-18) There many items that came in from the vendors that were corporate-ordered and I don't want to say force upon us but we had to take them without a choice. (302: 8-11)	New York North Carolina
King, Gary	But if you though you were going to need a lot of something and the system didn't think so, it would be up to the discretion of the DM whether or not you could order what your wanted to order or not. (155:20-25) Q. Did you have the ability to choose which vendor you wanted to come to your store? A. No. (214:20-23)	South Carolina
Lenart, Henry	A: I don't think I had the ability to make frequent business judgment that affected my overall profitability. I didn't have the ability to decide on	Massachusetts

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	sales budgets. I did not have the ability to decide on merchandise selection and I did not have the ability to have any input in payroll budgets. So the key three items that drive the store's profitability were outside of my control. (354: 2-10)	
McGillivray, Anthony	Q. Do you feel you're more able to control profitability as an assistant manager at Bi-Mart than you did as a store manager at Rite Aid? A. We have specific abilities to bring in product to fill the store. We can bring in specials and order higher quantities to build displays if we have a product that is selling really well. Q. Could you not do that as a store manager at Rite Aid? A. No. (322: 14-323:1)	California
Saab, Mohamed	It's always corporate policy. They made the decision for me. (28:21-25)	New York
Santos, Jose	I do not have control over merchandising, programming. I don't choose what goes on the shelf. They chose for me. (213:6-8) Q: And what did you say to a customer who said, Can you order this for me? A... If we don't have the product, then I cannot order it, and I will explain to the customer that it's not up to me to bring merchandise that the company does not carry, it's corporate the ones that's in charge of putting in the merchandise that we sell. It's not-- I don't have the power. I can only order what the merchandise that the company, corporate already put on the planograms. (181:7-25)	New York
Smith, Richard	Q. Okay. You also in the second bullet state responsible for ad ordering and maintaining stock. Is that true during the time that you worked as a store manager for Rite Aid? A No. Q Okay. Who was responsible for that? A. The system automatically orders itself. Q So you were not responsible for maintaining in stock at the store during the time that you worked as a store manager for Rite Aid? A No. (80:10-20)	Maine
Solis, Rosita	Q. Could you control the prices of your products as a store manager? A. No. Q. Could you control the types of products that you sold? A. No. What we got was what we got. (230:21-231:1)	New Jersey
Spencer, Stephen	Q: Did you ever, as a store manager at Rite Aid,	New York

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	ask for product that had not previously been in your store? A: Yes. Q: And what happened? A: And I was denied. (77:7-12) But she told me that's not in the --it's not in the profit planner. It's not in the planogram. So you cannot sell it. (77:17-20)	
Whindom, Russell	Q. Can you give me some examples of what those directives that were taken over were? A. Mandating where merchandise was to be placed, tightening the budgets, what merchandise could - - we couldn't order merchandise that we thought would sell in the store for a vendor. It was all done -- this is all done by corporate. We were basically told what we could -- what was to come in the store and where it was put. (110:4-12)	Washington State

SMs' Inability to Set or Control the Store's Labor Budget

<u>Store Manager</u>	<u>Deposition Support</u>	<u>Locations Worked in as RA SM</u>
Astleford, Thomas	Q. Did you have any authority to change the labor budget for the store? A. No. (228:6-8)	Pennsylvania
Brown, Vincent	Q. What about setting the budget, did you have any say? A. No. Q-or input in setting the store budget while working as a store manager for Rite Aid? A. No, ma'am. Q. Were you able to change the budget? A. If you wanted to get in trouble. You couldn't change it, you just didn't abide by it, if they told you that you had 35 hours to work, and you worked 45 hours, you were going to hear it. Q. From whom? A. From the DM. (349:3-15)	Virginia
Hulsey, Lucille	Did you have any authority to change your store budget? A. No, ma'am. (262:18-21)	Alabama
Lenart, Henry	A: I don't think I had the ability to make frequent business judgment that affected my overall profitability. I didn't have the ability to decide on sales budgets. I did not have the ability to decide on merchandise selection and I did not have the ability to have any input in payroll budgets. So the key three items that drive the store's profitability	Massachusetts

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	were outside of my control. (354:2-10) Q. And did you have any ability to set the budget? A. I didn't have any ability to impact budgets. (351:24-352:2)	
McGillivray, Anthony	Q. And who set the store budget for Rite Aid? A. Corporate. Q. Were you able to change that budget at all if you thought, as a store manager, the budget needed to be changed? A. No. (320:14-19)	California
Perez, Arthur	Q. What do you mean, if you don't meet payroll? A. Well, they give you a budget. You have to stick to your budget. If you go over budget, they will give you probably a verbal warning. If you go over the second time, they will write you up. And a third one -- I mean, that's what the rumor was around. And with the DM, he didn't talk much of what he address. It was like, "That's all you have. You have the budget. You have to meet the budget, and that's the end of it. (128:5-15)	Connecticut
Pletka, Thomas	Q. Do you have any ability to change the budget? A. No. (339:12-14)	West Virginia
Ruzat, Kenneth	Q. So the district manager didn't allow you to allocate all of the payroll budget? A. No. (144:12-144:17)	Delaware Pennsylvania
Simons, Michael	Q: Did you have any authority in deciding what your labor budget would be? A: No (198:13-16)	New York
Solis, Rosita	Q. Labor budget, that would be the payroll expenses? A. Yes. Q. Did you have control over that? A. No. 231:17-21 Q. What did he (DM) say about payroll at the meeting? A. You have to follow it. Couldn't go over budget, over hours. You have to stick to that. You can get written up if you did. (79:3-7)	New Jersey
Tremblay, Laurent	Q. And what did Guy Suffelleto say? A. You can't go over budget, unless you call me and I approve it. (90:24-91:24)	Massachusetts

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

SMs' Inability to Control Employees Scheduling

<u>Store Manager</u>	<u>Deposition Support</u>	<u>Locations Worked in as RA SM</u>
Bourgeois, Philip	<p>Had no leeway in schedule. Had to follow what Staffwork said. (341:2-3)</p> <p>We never had control over the schedule. (59: 7-9)</p> <p>Q. Did you ever go over your payroll budget? A. I've tried, but it was –you know, we would have to send it in to the district manager, and he would approve it. Q. Your schedule? A. Yes. Q. Every week? A. Yes. (58:8-16)</p> <p>The Company wanted you to go with exactly what the Staffwork said and no deviation from Staffwork. (343:17-20)</p>	<p>Mississippi</p> <p>Louisiana</p>
Hulsey, Lucille	<p>You had to use Staffwork, and you just had to figure it out. I mean it wasn't an option as to whether you wanted to do it or not. (150: 2-4)</p> <p>... make my schedule using Staffworks. You didn't have an option as to whether or not you wanted to use it. (150:6-11)</p>	Alabama
McGillivray, Anthony	<p>At that point at 6263, were you writing the schedule by hand, or were you using Staffworks? A. Staffworks. (47:8-10)</p>	California
O'Brien, Christopher	<p>It's -- I'm going to use the word idiot proof again only because it's a computer program to aid you in it I guess and you would pretty much start the program, hit enter so it would calculate a schedule, calculate hours, calculate dollars, how many hours you can do and automatically schedule everybody. So if that's preparing a schedule, then, yes. (173:11-18)</p>	<p>Ohio</p> <p>Mississippi</p>
Orlando, Michael	<p>Q: Can you briefly tell me how Staffwork operated? A: They would have your amount of hours that you were allowed versus on the computer's theory of what your sales were going to be. And then you would type in the schedule that fit within those guideline. (289: 22-25, 290: 1-3)</p> <p>Q: So is it fair to say that the operation of</p>	New Jersey

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	Staffworks affected your ability to schedule employees? A: Yes. (290: 5-9)	
Palumbo, Phil	Q. Do you write the schedule? A. I use a scheduling tool to create the schedule. Q. StaffWorks? A. No. That's the old one. Q. Okay. What's the new one called? A. The new one is called Workforce Management. (100: 14-21)	Pennsylvania Delaware
Solis, Rosita	Q. Did you write the schedules out for the workers and send them to Wade [DM] for him to take a look at? A. Yes. Every schedule, yes. (59:8-11) Q. How often was your schedule modified by Wade? A. Almost all the time. (60:2-4) Q. So, tell me what the process was that you used to schedule the people who worked under you at the store. A. Well, while doing the schedule -- actually, a schedule that they wanted would come out through the computer on its own. (54:20-25) Q. Can you recall a typical schedule that you prepared? A. Well, like I said, it would come out on the computer. (55:22-25)	New Jersey
Spencer, Stephen	I, as the store manager, input the information on the employees. And the computer generated the schedule. (96:20-22) I was instructed not to make the schedule with edits anymore; to go with the schedule that the computer would generate based on the employee's availability and the peak hours of the store. Q. And who gave you that instruction? A. Nancy Virga, district manager. (97:12-18)	New York
Wilson, Kyle	Q. And within the labor budget, you could allocate budget hours to the store employees? (objection form) A. Yes. They had a computer program that determined the schedule that we would have to generate using the program. Q. Was that Staff Works at the time? A. Yes, it was. (39:22-40:5)	Washington State

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

SMs' Inability to Adequately Hire or Promote Employees

<u>Store Manager</u>	<u>Deposition Support</u>	<u>Locations Worked in as RA SM</u>
Bogash, Brian	Q: So would you say the district manager had the final say in hiring? A: The loss prevention manager - - actually, the district manager and the loss prevention manager had final say at who we hired. (289:14-19)	Maryland
Bourgeois, Phillip	Q: And did you have to also get approval before you hired someone from your district manager? A: Well, the process is they got to take this card and go call the number and take this survey. Q: A screening? A: Yeah, a survey. That's what Rite Aid wants it understood, it's a survey. Q: So they don't want it to be called a screening? A: Yeah. Q: But that's what it is, right? A: Yeah, exactly. And after they take that, you get sent with a SYSM from HR saying whether it's okay to call them in for an interview or whether no, you can't, because they didn't pass the screening. (135:24-136:16)	Mississippi Louisiana
Brown, Vincent	Q: Because I didn't do the hiring once Rite Aid took over. When it came to salaried managers Rite Aid did all the hiring. (38:16-18)	Virginia
Dayton, Mark	Q: Who made the final decision regarding hiring staff? A: The Final decision would be to the district manager because I would have to approve it through him. (357:16-22)	California
Dixon, Vicky	Q: Well, you just said hiring occurred so - - A: Well, they needed an extra - - we needed an extra part-timer, but I didn't have complete control over hiring. I did the interview process, and HR and the district manager had overall say. (136:18-23)	California
Duran, Peter	But if you were looking for a shift supervisor, that all had to go through loss prevention and district management. (360:3-5)	Colorado Georgia
Ensor, Cheryl	A: At the Randallstown store we actually looked over the applicants, but we never did the interview themselves. The DM did all the interviews and the	Maryland

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	hiring. Q: You participated in some interviews, correct? A: Not while at the Randallstown store. Q: In Finksburg you did interviews, correct? A: Some of them, yes. Q: And in Finksburg you followed what you said it was supposed to be. You get an application, look over it, call a person in, interview. And then they would do the phone interview and background check; is that right? A: Yes, but I never made that final decision. (41:2-20)	
Gauger, Nicholas	What employees did you have the authority to hire? For what positions, I mean. A: None. (267:10-13)	California
Gerber, Brad	Q: In order for an employee to be hired in your store in the front end, you had to approve that hire, right? A: I had to recommend it, but I don't –I didn't have to approve it, the company had to approve it. (121:10-15)	New York North Carolina
Goodloe, Kay	Q And then the last one, number 9, you have marked through, responsible for hiring and training? A: Absolutely not. I was not responsible for hiring people. All the assistants that I had came from being appointed to my store. If I had somebody come in that I felt really good about hiring and they didn't pass say the personality test, that wasn't my judgment to make whether they worked for the company or not. That was my DM's decision. (174:24-175:8)	North Carolina
Lembezeder, James	Q: Did you hire any employees between 2006 and 2009? A: No. Q: Did the store have any vacancies between 2006 and 2009? A: Yes. Q. Did the store have any front- end vacancies between - - A: Yes. Q. Okay. And who hired these employees? A. Human Resources. (101:23-102:8)	Arizona California
Lenart, Henry	Q: Well, is there a promotion process? A: Typically your supervisors needed to be spoken to by a district manager or an HR guy. I think we did this once. Didn't we do this one already? A store manager didn't have the ability in the Rite Aid world to promote a shift supervisor. Okay? That you may have seen a application, the process was directly through your district manager. You may have had some input in it in the Rite Aid world. I had more input in the scenario in the Brooks world.	Massachusetts

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	<p>John ultimately signed off on any promotions in the Brooks world. In the Rite Aid world, HR and my DM had ultimate say, I believe, in shift supervisor positions. (247:19-248:8)</p> <p>Q. Who made the final decision regarding promoting staff? A. As far as supervisors, my district manager and loss prevention got involved in it. I was not able to promote a supervisor in the Rite Aid environment without the okay on the promotion from HR and my DM. (351:6-12)</p>	
Martin, Shiann	... Hiring and firing I wasn't able to do without the approval of my district manager, human resources... (32:1-3)	Michigan
O'Brien, Christopher	<p>Q: So what is it that you felt at Rite Aid as a store manager you didn't have a say in with respect to the store that you were managing? A: A lot of things. Q: Tell me what things. A: If I wanted to hire somebody, I had to go above me. (61:21-62:3)</p> <p>Q: Tell me the steps in the hiring process. If someone comes into your store at Rite Aid and you're the store manager and asks about employment, what happens next? A: You have them fill out an application. Then they call a 1-800 number to get screened and then you wait. You've got to wait for corporate to contact you back and say its okay to proceed with the hiring process. (64:8-16)</p>	Ohio Mississippi
Orlando, Michael	<p>So the answer is, with Rite Aid, I never had the final say for a hire. (64:24-25)</p> <p>Q: At Rite Aid, who made the final decision regarding hiring employees? A: I don't know. Q: Did you make the final decision? A: No. (287:12-16)</p>	New Jersey
Pletka, Thomas	<p>Q: Did you hire the shifts or did the DM do that? A: I may recommend somebody for shift, but I could not hire a shift. Q: Okay. A: And the DM and resources. Q: Okay. And the same is true for ASM. The DM and HR hired the ASMs? A: Yes. (179:20-180:7)</p> <p>Q: Regarding hiring employees, who makes the</p>	West Virginia

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	<p>ultimate or final decision in hiring employees at your store? A: Which employees? Q: Any Employees A: I hire the cashiers, but I cannot hire any management people. Q: Okay. By management you mean the ASM? A: Assistant managers or shift supervisors. (335:14-336:5)</p> <p>Q. Who makes the ultimate or final decision regarding promotion of employees? A. The district manager, employee human resources" (337:18-22)</p>	
Ruzat, Kenneth	<p>Q. And what about assistant store managers? Who had the final decision regarding those hires? A: District manager. (290:6-9)</p>	<p>Delaware Pennsylvania</p>
Saab, Mohammed	<p>Q: If you wanted to hire associates part-time and have employees in the store just during the times when you had the highest sales volume, could you do that? A: Not on my own. Q Say that again? A: Not on my own. I have to call the district manager. Q: And what did you say to the district manager and what did the district manager say to you? A: I need to hire a part-timer or two part-timer, and most of the time he said: No, don't hire. Give somebody more hours for the two weeks holiday and then you go back to normal. Or some other stores, if they had extra, he'll send one. (79:9-21)</p> <p>Q Were you allowed to or could you promote an employee without approval from the district manager? A: No. (308:11-14)</p> <p>Q Could you hire an employee without approval from your district manager? A: I can hire, but they have to pass a corporate test. So, really, it's not my decision. (308:15-18)</p>	<p>New York</p>
Santos, Jose	<p>Q: Did you interview applicants for the shift supervisor position when you hired the second one? A: I don't hire. Q: I understand. When the second one was hired, did you interview any applicants? A: No. The decision was all my - - my district manager. (134:15-25)</p>	<p>New York</p>
Tremblay, Laurent	<p>Q. Let me just ask you. Over the course of the time you were the store manager at Fall River, from 2006 through the end of 2008, or through September of 2008, in total, approximately how</p>	<p>Massachusetts</p>

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	<p>many applicants did you interview? A. Probably somewhere between 20 and 30. Q. And of those, how many did you recommend be hired? A. Probably half. Around 15. Q. And of the 15 you recommended be hired, how many did the district manager approve? A. Not sure. There were a few that were not -- you know. I was told not to hire them. I can't remember their names. But I know there were a few. Q. And is that because their background check didn't come out right? A. I'm not sure. They would just tell me they're not hireable. (49:24-50:21)</p> <p>A: We had people that came in and applied for store manager, assistant manager. Whatever. We would take their application and turn it in. Never interviewed anybody for assistant. Q. Because there were no positions available. Is that correct? A. No. Because we couldn't hire. (55:24-56:7)</p> <p>Q. Because you didn't have the -- A: Authority. Q. The payroll authority? Or just the authority to hire a management position? A: Assistant managers were hired district managers. (55:22-56:13)</p>	
Whindom, Russell	<p>Q. Did you ever promote any individuals into the ASM position? A. I made recommendations and some were promoted into assistant manager positions. Q. Who did you make recommendations to? A. District manager. (70:18-23)</p> <p>Q: And what was your level of participation in hiring employees? Excuse me. A: I would take applications, review the applications, decided on which one to interview or how many to interview. I would interview them. I could not offer them a position until forms were filled out, background checks were done by corporate and human resources signed off after the background checks were completed, and if warranted, a drug check. Then I could call them back in and offer them a position. (71:18-72:2)</p> <p>Q. Why did you cross that out? (referring to Exhibit 2 in Deposition) A. Because I -- I did not have the ultimate say in who was hired and who was not hired. (145:10-12)</p>	Washington State

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	<p>Q. And you did have the say in recommending a hire; is that correct? A. I did, but it held no weight.</p> <p>Q. How do you know that? A. Because if they didn't pass background tests for whichever reason why, I was unable to hire that person whether I liked to or not. If I liked to hire that person, I did not have an override on background checks. (145:16-24)</p>	
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SMs' Inability to Adequately Terminate Employees

<u>Store Manager</u>	<u>Deposition Support</u>	<u>Locations Worked in as RA SM</u>
Astleford, Thomas	You can't just fire somebody. You have to get the approval of your district manager or your loss prevention supervisor. (150:4-6)	Pennsylvania
Bogash, Brian	Q. Is it your testimony that you did not ever terminate an employee without running it by your district manager or loss prevention? A. No, it was against company policy. Q. You did not do that. A. No. (160:9-16)	Maryland
Bourgeois, Philip	There was no way you could fire someone on your own. (119:6-8)	Mississippi Louisiana
Brown, Vincent	<p>With Rite Aid we couldn't fire anybody. If we had to fire somebody it had to go through the DM. He had to make that decision. (159:8-10)</p> <p>It was up to him [DM] to determine if the person should be fired or not. (159:16-18)</p>	Virginia
Del Angel, Martha	Q. Did you agree with the decision to terminate Mr. Sandoval? A. It wasn't my decision. (217:24-218:1)	California
Dixon, Vicky	You couldn't fire anyone anyway because you had to go through HR and the DM. (263:16-17)	California
Echeverria, Elma	Q. And after that 90-day probationary period, you have to go through the union if you want to terminate them? A. Not the union really. You have	California

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	to go through HR again. Q. Okay. And during the 90-day period, if they do something – if they violate company policy or they are insubordinate, you could fire that person; right? A. We go back to the same thing: HR specifically told us even on a 90-day probation we need to call him. (143:13-22)	
Ensor, Cheryl	Q. Who made the final decision regarding firing staff at your store? A. Either the LPM or DM. (264:12-15)	Maryland
Gauger, Nicholas	Q. Could you terminate an employee without the district manager approving it? A. No. (355:22-356:9)	California
Goodloe, Kay	A. No, all of our terminations had to go through human resources or loss prevention for termination. I could not hire or fire anyone. (57:8-11)	North Carolina
Hulsey, Lucille	I never terminated anybody on my own. (264:3-4) Q. Did you have the ability to terminate employees? A. No, ma'am, not without prior approval. Q. Who would you get prior approval from? A. From the district manager or the security manager. (262:8-13)	Alabama
Kitchen, Brenda	Q. Did you have the authority to terminate on your own as store manager? A. No. (113:17-20)	Ohio
Lenart, Henry	Q. And who made the final or ultimate decision regarding terminating staff at Rite Aid? A. Human resources. (349:12-14)	Massachusetts
Malone, Kimberlyn	Q. You don't have the final authority to terminate a person? A. That is correct. (147:11-13)	Michigan
Mangino, Joseph	Q. And who made the final decision, while you were a store manager at Rite Aid, in firing staff? A. It was John [DM John Perkins] and, I'm assuming – I'm pretty sure that HR had to – that he had to get with HR. It was – John gave me the final word, but I – he had to run it by HR. (314:8-14)	Louisiana
Martin, Shiann	But hiring and firing I wasn't able to do without the approval of my district manager, human resources. (32:1-3)	Michigan

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

Martson, Herbert	Q. Who made the final decision regarding firing staff when you were store manager? A. That would have been the DM and the human resource manager. (225:5-9)	California
McCarthy, Sandra	Q. Have there ever been situations where you have recommended an employee for termination and they were terminated? A. I had an employee let – or terminated. It was a violation of company policy. But I still had to go through HR to get it approved. (66:16-21)	Oregon
McGillivray, Anthony	Q. Who made the final decision regarding firing staff? A. Generally, terminations had to be approved through HR. (320:8-12)	California
O'Brien, Christopher	Q. How did you handle terminations as a store manager at Rite Aid? A. You would ask permission. Q. Who did you ask for permission? A. HR or your district manager. (126:19-23)	Ohio Mississippi
Paul, Christopher	As for terminations, they had to go through the human resources department. (231:8-9)	West Virginia
Perez, Arthur	Q. Did you have a final decision on terminating any staff? A. No, sir. (215:21-23)	Connecticut
Pletka, Thomas	Q. You can't terminate an employee without HR signing off, right? A. Right. (116:2-4) Q. With regard to firing employees, who makes the ultimate decision in firing employees? A. Corporate; the human resource manager working with corporate. (336:6-10)	West Virginia
Riaz, Omar	[I] was not able to fire somebody without his [DM] consent. (200:24-25)	Washington D.C. Maryland
Riley, Cinda	Q. And to terminate someone, you had to get HR approval? A. Yes. (92:16-18)	Washington State
Ruzat, Kenneth	You had to have the district manager's approval and human resource manager's approval before you could fire them. (207:11-14) Q. Who made the final decision regarding firing staff? A. That would be the human resource	Delaware Pennsylvania

Exhibit A: Deposition Testimony in Support of Plaintiff's Opposition to Defendants' Motion to Decertify the FLSA Collective Action.

	manager and district manager. (290:10-13)	
Saab, Mohammed	Q. And could you fire an hourly associate without approval from your DM? A. No. (308:19-21)	New York
Santos, Jose	Q. In terms of terminating staff, who had the final say regarding termination in your store? A. District manager. Loss prevention manager. And human resource manager. (256:15-19)	New York
Simons, Michael	Did you have full authority to fire without the approval of the district manager or HR? A. No. (191:24-192:3)	New York
Solis, Rosita	... I would have to go through him, through my district manager, to hire and fire. So, I would never really make the decision myself. (34:9-12)	New Jersey
Spencer, Stephen	Q. Did he [DM] talk with you at all about how employees would be terminated at Rite Aid? A. Yes. Q. What did he tell you about that? A. He explained to me that we had no authority to terminate employees. (46:25-47:6) Q. Were your recommendations for termination of those one or two employees accepted? A. No. (48:1-5)	New York
Tardo, Ron	Q. Did you have the ability to fire employees without input from your district manager? A. No. Q. Did you have the ability to fire without input from HR, Human Resources? A. No. (275:4-10)	Louisiana
Tremblay, Laurent	Q. Were there any employees that you terminated? A. There were a couple of cashiers that were terminated while I was there. Q. Tell me about them. A. I called the district manager, told them what was happening. I thought the girl was taking, stealing out of the registers. And they did catch her and determined that she was stealing. And he fired her. (74:11-20)	Massachusetts
Whindom, Russell	Q. Did you have the final authority to terminate employees at your store? A. No. (222:16-18)	Washington State